

202131US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
Takahiro YOSHIKAWA : EXAMINER: N/A
SERIAL NO: 09/764,261 : GROUP ART UNIT: 2852
FILED: January 19, 2001 :
TITLE: IMAGE FORMING APPARATUS

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TECHNOLOGY CENTER 2800

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Notice of Abandonment dated March 10, 2003, Applicant, through counsel of record, respectfully requests that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on February 28, 2001 was not received by Applicant's Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to File Missing Parts. The Patent Office computerized Mail Log was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from February 28, 2001 through March 14, 2001 and found to contain no record of having received the Notice to File Missing Parts for the above-identified application.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts and therefore, the holding of abandonment was issued in error.

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Attorney of Record

Joseph A. Scafetta, Jr.
Registration No. 26,803



22850

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Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/764,261	01/19/2001	Takahiro Yoshikawa	202131US3

CONFIRMATION NO. 6206

**ABANDONMENT/TERMINATION
LETTER**



OC000000009622221

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 03/10/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/28/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

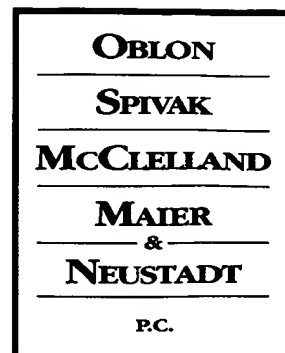
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Docket No.: 202131US3 TECHNOLOGY CENTER 2800

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

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RE: Application Serial No.: 09/764,261
Applicants: Takahiro YOSHIKAWA
Filing Date: January 19, 2001
For: IMAGE FORMING APPARATUS
Group Art Unit: 2852

SIR:

Attached hereto for filing are the following papers:

**NOTICE OF ABANDONMENT DATED MARCH 10, 2003
REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE THE NOTICE TO FILE MISSING PARTS
MAIL LOG COMPUTER PRINT OUT FEBRUARY 28, 2001 THROUGH MARCH 14, 2001**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


C. Irvin McClelland

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Joseph A. Scafetta, Jr.
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PTO Mail Log Report

From 02/28/2001 to 03/14/2001

Mail Type	C.D.F.R.	Application #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
NFMP		09/714,228		199815US	02-26-2001	02-28-2001
NFMP		09/709,353	6,489,518	197272US	02-27-2001	03-01-2001
NFMP		09/712,911		199622US	02-27-2001	03-01-2001
NFMP		09/740,865	6,503,681	201143US	02-26-2001	03-01-2001
NFMP		09/742,367		200132US	02-26-2001	03-01-2001
NFMP		09/757,616	6,463,237	201853US	02-23-2001	03-01-2001
NFMP		09/761,713	6,445,900	202116US	02-26-2001	03-01-2001
NFMP		09/599,884		193445US	02-27-2001	03-02-2001
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NFMP		09/714,149		199900US	02-28-2001	03-05-2001
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NFMP		09/740,902		201163US	02-26-2001	03-05-2001
NFMP		09/741,069		199980US	02-27-2001	03-05-2001
NFMP		09/741,073		192398US	02-27-2001	03-05-2001
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NFMP		09/742,063		201199US	02-27-2001	03-05-2001
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NFMP		09/764,107		202108US	02-28-2001	03-05-2001
NFMP		09/764,108	6,400,604	202050US	02-28-2001	03-05-2001
NFMP		09/767,223		202165US	02-28-2001	03-05-2001
NFMP		09/767,224		202183US	02-28-2001	03-05-2001
NFMP		09/767,872		202269US	02-27-2001	03-05-2001
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NFMP		09/741,867		197538US	03-02-2001	03-06-2001
NFMP		09/741,894		201166US	03-01-2001	03-06-2001
NFMP		09/760,850		202126US	02-28-2001	03-06-2001
NFMP		09/760,854		200655US	03-01-2001	03-06-2001
NFMP		09/764,435	6,499,669	200857US	03-01-2001	03-06-2001
NFMP		09/765,649	6,534,720	201885US	03-02-2001	03-06-2001
NFMP		09/771,022		202187US	03-02-2001	03-06-2001

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From 02/28/2001 to 03/14/2001

Mail Type	C,D,E,R	Application #	Patent #/Regi #	Case Id	Base Date	Date Rcvd
NFMP		09/761,781	6,500,999	202049US	03-01-2001	03-07-2001
NFMP		09/764,431		202127US	03-02-2001	03-07-2001
NFMP		09/770,288	6,288,287	202547US	03-05-2001	03-07-2001
NFMP		09/712,206		199783US	03-06-2001	03-08-2001
NFMP		09/721,652		200157US	03-02-2001	03-08-2001
NFMP		09/737,960		200955US	03-01-2001	03-08-2001
NFMP		09/748,262		201370US	03-06-2001	03-08-2001
NFMP		09/761,717		202079US	03-02-2001	03-08-2001
NFMP		09/765,389		200708US	03-05-2001	03-08-2001
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NFMP		09/767,228		202295US	03-05-2001	03-08-2001
NFMP		09/767,879		202084US	03-05-2001	03-08-2001
NFMP		09/767,885		202182US	03-05-2001	03-08-2001
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NFMP		09/769,441		201394US	03-06-2001	03-08-2001
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NFMP		09/739,748		201167US	03-07-2001	03-09-2001
NFMP		09/758,193	6,534,227	201991US	03-07-2001	03-09-2001
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NFMP		09/760,852	6,452,085	201400US	03-07-2001	03-09-2001
NFMP		09/768,623		198462US	03-07-2001	03-09-2001
NFMP		09/769,412	6,404,171	200379US	03-07-2001	03-09-2001
NFMP		09/770,214		202321US	03-07-2001	03-09-2001
NFMP		09/770,415		202142US	03-07-2001	03-09-2001
NFMP		09/712,213		199652US	03-09-2001	03-12-2001
NFMP		09/739,204		200964US	03-08-2001	03-12-2001
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NFMP		09/760,783	6,541,114	202089US	03-08-2001	03-12-2001
NFMP		09/765,358	6,470,169	202137US	03-09-2001	03-12-2001
NFMP		09/765,607	6,431,676	202112US	03-05-2001	03-12-2001
NFMP		09/770,470		202544US	03-08-2001	03-12-2001
NFMP		09/773,913		202689US	03-08-2001	03-12-2001
NFMP		09/712,165		199810US	03-12-2001	03-13-2001

PTO Mail Log Report

From 02/28/2001 to 03/14/2001

Mail Type	C,D,F,R	Applicati n #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
NFMP		09/768,620		202301US	03-08-2001	03-13-2001
NFMP		09/775,601		202600US	03-09-2001	03-13-2001
NFMP		09/721,651		200156US	03-13-2001	03-14-2001
NFMP		09/773,916	6,413,690	202763US	03-12-2001	03-14-2001
NFMP		09/773,918		202690US	03-12-2001	03-14-2001